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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

10007

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on 8/17/07Signature Michelle George

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Application Number

10/055,828

Filed

October 26, 2001

First Named Inventor

REED, M.

Art Unit

2167

Examiner

RAYYAN, SUSAN F.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 32,759☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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August 16, 2007

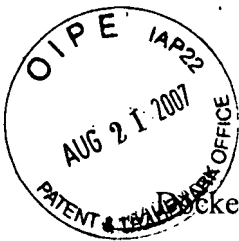
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10007

Application of:

REED, M. et al.

Group Art Unit: 2167

Serial No. 10/055,828

Examiner: RAYYAN, SUSAN F.

Filed: October 26, 2001

For: **DETERMINING CUSTOMER FEEDBACK**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant respectfully requests review of the final rejection of claims 1-18 and 20-32 of the present application. This request is being filed concurrently with a Notice of Appeal.

Claims 1, 14-16, 18, 20-22, and 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kesel (U.S. Patent No. 6,026,387) in view of Shapio et al. (U.S. Patent Application No. 2002/0059283). Claims 2-7, 12, 13, 23, 27, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kesel in view of Shapiro et al. and further in view of Kriens et al. (U.S. Patent No. 5,864,862). Claims 8-9 and 29-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kesel in view of Shapiro et al. and Kriens et al. and further in view of Trout (U.S. Patent No. 5,566,349). Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kesel in view of Shapiro et al. and Kriens et al. and further in view of Bossemeyer, Jr. et al. (U.S. Patent No. 6,510,427). Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kesel in view of Horowitz et al. in view of Shapiro et al. and further in view of Chase (U.S. Patent No. 6,332,143).

Rejection of claims 1-18 and 20-32 under 35 U.S.C. §103(a)

The rejections of claims 1-18 and 19-32 under 35 U.S.C. §103(a) are respectfully traversed. To establish a *prima facie* case of obviousness, at least the following requirements must be met: (1) the references when combined must teach or suggest all elements of the claimed

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By:

Name:

Michael George
Michael George

subject matter; (2) there must be some motivation, suggestion or teaching to combine the references; and (3) there must be, within the references, a reasonable expectation of success. *See* M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129. The Office has not established a *prima facie* case of obviousness because these requirements have not been satisfied. The cited references do not teach or suggest all elements of the claimed subject matter.

Independent claim 1, as amended, recites a method executable by an automated system without requiring intervention by a human user, comprising:

associating values with a plurality of predefined words;

receiving customer feedback in the form of textual comments that originate with a human customer of an enterprise;

comparing words in the customer feedback with said predefined words;

generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words; and

presenting said indication to a customer representative for said enterprise.

It is not seen that Kesel, Shapiro et al., or any of the other cited references teach or suggest, singularly or in combination, the steps of associating values with a plurality of predefined words; comparing words in the customer feedback with said predefined words; and generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words.

Column 8, lines 56-62, and column 2, lines 19-22 of Kesel were cited as teaching the step of “associating values with a plurality of predefined words.” Column 8, lines 56-62 recites:

Finally, each comment 76 is assigned an attitude characteristic 84 which provides an indicator of the overall attitude expressed in the oral comment 76 by the consumer. For example, attitudes in the illustrated embodiment are "poor", "non-existent", "good", "desired", and "excellent", which describe a range of possible consumer attitudes towards the comment descriptors and dimensions described above.

Referring to Figure 3 of Kesel, the cited excerpt provided above describes an interactive method for reviewing oral comments displayed in a text window 76, and manually assigning an attitude characteristic, illustrated in box 84. The described process does not associate values with a plurality of predefined words. Column 2, lines 9-22 of Kesel recites:

Obtaining customer comments for analysis, and reporting of same to the providers, takes many different forms. One of the most recognizable

and widely used mechanisms is the use of comment cards, which are typically found at consumer service desks or at point-of-sales areas. Often these cards provide a simple check list of topics of interest to the retailer, such as customer service, product selection, and the like, with several descriptive adjectives or a ranking system using a range of numbers in order to rate the provider, its products, or its services, on a range from low to high, poor to excellent. For example, the ranking for each of the selected categories may be "poor", "less than satisfactory", "satisfactory", "excellent" which may also be reflective of a numerical range of 1 to 4 inclusive.

The excerpt from Kesel provided above describes the use of hard copy comment cards, which are completed by consumers to rate customer service. The described process does not associate values with a plurality of predefined words.

Column 6, lines 45-50, and column 5, lines 60-61 of Kesel were cited as teaching the step of "comparing words in the customer feedback with said predefined words." Column 6, lines 45-50 recites:

FIG. 3 is an interactive display screen used for normalizing the raw consumer comments recorded at the recording station illustrated in FIG. 2. According to the present invention, the raw comment is analyzed and converted to a normalized representation comprising a comment category, at least one descriptor, at least one dimension and an attitude.

Referring to Figure 3 of Kesel, the cited excerpt provided above describes an interactive method for manually analyzing oral comments displayed in a text window 76, and assigning comment, descriptor, dimension, and attitude characteristic to the comment. The cited text does not describe a process for comparing words in the customer feedback with predefined words, and performing the comparison without human intervention. Column 5, lines 60-65 recites:

Each discrete oral comment by a consumer C is analyzed 20 and a normalized representation is created. Normalized representations include comment factors 22 comprising a comment category 24, at least one descriptor 26, at least one dimension 28, and an attitude 30.

The cited excerpt provided above describes a process for manually analyzing oral comments and creating a normalized representations of the comments. The cited text does not describe a process for comparing words in the customer feedback with predefined words, and performing the comparison without human intervention.

Paragraphs 50 and 75 of Shapiro et al. were cited as teaching the step of "generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words." Paragraph 50 recites:

[0050] Responses 48 are processed by a feedback processing system 60, although the answers in the response 48 can constitute part of the script 32. The feedback processing subsystem 60 houses the feedback analysis 50 used by the system 20. As described in greater detail below, each response 48 by a customer 46 can be associated with a weight or numerical value 66 associated with that customer 46. If a particular answer by the customer 46 makes the customer 46 a more desirable prospect for the organization 22 (for example, the customer 46 may have answered yes to the question of whether the customer 46 is interested in making a purchase within the next seven days), a greater numerical value 66 can be attributed to a particular answer. Correspondingly, an undesirable answer can result in a zero numerical value 66, or even a negative numerical value 66 (for example, a parent of a student at a school may be moving to a different city in a week). The intelligence used to make such distinctions is set in a predetermined criteria 64, which can be embedded into the system 20 by users 24 particularly skilled in marketing, sales, and customer development, while allowing those persons not as skilled to benefit from the embedded intelligence as users 24 of the system 20. The predetermined criteria 64 can be changed as desired, and can be incorporated directly in scripts 32 and decision trees as described in greater detail below.

The cited excerpt from Shapiro et al. provided above describes a method for processing responses received from a customer and associating a weight or numerical value with that customer, the weight being an indication of the value of the customer to an organization. It is not seen that the excerpt describes a process for generating an indication to rate a customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of a plurality of predefined words and the value of the equivalent predefined words. Paragraph 75 recites:

[0075] FIG. 7 is an example of a decision tree 76. The system 20 using the decision tree 76 in FIG. 7 is configured to help support the selling of automobiles; the business of the organization 22. Question 1 asks the customer 46 to identify a certain make of a vehicle. A list of three brands is provided. The organization 22 selling the vehicles does not have a preference as to the brand of vehicles sold, so there is no numerical value 66 associated with any particular response. However, the decision tree does determine which question will next be asked. If the customer chooses Brand A (Answer 1 for Question 1), the next question asked relates to Brand A; "What vehicle type of Brand A is of interest?" Similarly, choosing Brand B (Answer 2 for Question 1) will send the customer 46 to Question 3: "What vehicle type of Brand B is of interest?". Accordingly, choosing Brand C (Answer 3 for Question 1) will send the customer 46 to question #4 "What vehicle type of Brand C is of interest?" Each of the various options with respect to Questions 2, 3, and 4 relate to particular types of vehicles. In all cases, the sending of product information in the mail 40 is an activity triggered by the particular

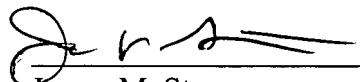
selection. In each case, the product literature is targeted so that the literature relates solely and directly to the specific selection made by the customer 46. Because certain lines of vehicles are more profitable than others, different selections receive different numerical values 66. For example, sports cars, mini-vans, trucks limos, and R.V.s are high-profit sales for the organization 22. Thus, each high-profit item can be associated with a numerical value 66 greater than 0, while all other vehicle type answers are associate with a numerical value 66 of 0.

The cited excerpt from Shapiro et al. provided above describes a method for processing responses concerning automobile purchasing received from a customer and associating a weight or numerical value with that customer, the weight being an indication of the value of the customer to an organization. In the example described, a higher value is attributed to a customer expressing interest in higher profit automobiles. It is not seen that the excerpt describes a process for generating an indication to rate a customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of a plurality of predefined words and the value of the equivalent predefined words.

It is accordingly believed that claim 1 recites an invention which is patentable over the cited references. As discussed above, it is not seen that Kesel, Shapiro et al., or any of the other cited references teach or suggest, singularly or in combination, the steps of associating values with a plurality of predefined words; comparing words in the customer feedback with said predefined words; and generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words.

Independent claims 14 and 25 include limitations similar to those of claim 1, described above. Accordingly claims 14 and 25 are also believed patentable over the cited references. The remaining claims in the depend from, and further limit the inventions recited in claims 1, 14 or 25, and are therefore also believed to be patentable over the cited references.

Respectfully submitted,



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